

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

* * * * *

HUEST SWILLEY,

*

*

*

No. 15-1193V

Petitioner,

*

Special Master Christian J. Moran

*

v.

*

Filed: August 17, 2016

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Attorneys' fees and costs; award

*

in the amount to which respondent

*

has not objected

Respondent.

*

* * * * *

Diana S. Sedar, Maglio Christopher and Toale, PA, Sarasota, FL, for petitioner.
Douglas Ross, United States Dep't of Justice, Washington, DC, for respondent.

UNPUBLISHED DECISION ON ATTORNEYS' FEES AND COSTS¹

On October 14, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*, (the "Vaccine Act"). Petitioner alleged that the influenza vaccine, which he received received on or about October 21, 2013, caused him to develop Guillain-Barré Syndrome. On July 15, 2016, the undersigned issued a decision awarding compensation to petitioner based on the parties' joint stipulation. Decision, issued July 13, 2016, 2016 WL 4132495.

On August 15, 2016, petitioner filed an unopposed motion for attorneys' fees and costs.² Petitioner requests a total of \$14,892.96 in attorneys' fees and

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

² In the motion, petitioner states that respondent has no objection to petitioner's request.

costs. In accordance with General Order No. 9, petitioner states that no out-of-pocket expenses were incurred in pursuit of this claim.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of petitioner's request and the lack of opposition from respondent, the undersigned GRANTS petitioner's motion for attorneys' fees and costs.

A lump sum payment of \$ 14,892.96 in the form of a check made payable jointly to petitioner and petitioner's attorney, Diana S. Sedar, of Maglio Christopher and Toale, PA, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court shall enter judgment in accordance herewith.³

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.